

FOR THE EASTERN DISTRICT OF TEXAS

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SCHEDULING ORDER

following Scheduling Order pursuant to this Court's Local Rule CV-16 and Fed. R. Civ. P. 16:

STEP	ACTION	RULE	DUE DATE
1	Initial Case Management	Patent L.R. 2-1; FRCP 26(f)	2/22/2011 at 11:30 a.m. in Texarkana
2	Patentee serves Disclosure of Asserted Claims and Infringement Contentions of a reasonable number of representative claims	Patent L.R. 3-1	4/15/2011
3	Patentee Makes Supplemental Document Production Accompanying Disclosure	Patent L.R. 3-2 (Same as #2)	
4	All New Parties Serve Initial Disclosures	FRCP 26(a)(1)	4/22/2011
4.1	Identify mediator		To be agreed to by counsel
5	Accused Infringers serve Invalidity Contentions & prior art	Patent L.R. 3-3 & 3-4(b)	6/7/2011

STEP	ACTION	RULE	DUE DATE
6	Accused Infringers make Supplemental Document Production (source code etc.)	Patent L.R. 3-4(a)	6/17/2011
7	All parties make Exchange of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(a)	
8	Deadline for parties to begin to meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(b)	8/18/2011
8.1	Patentee identifies no more than 10 claims		
9	Deadline for early mediation at the Parties' request		To be agreed to by counsel
10	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	Patent L.R. 4-2	8/26/2011
11	Deadline for parties to begin to meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	Patent L.R. 4-2(c)	8/30/2011
12	All parties jointly file Joint Claim Construction and Prehearing Statement	Patent L.R. 4-3	9/9/2011
13	Deadline to join other parties without leave of Court, which shall be at least 60 days before the deadline for filing dispositive motions	(Same as #12)	
14	Deadline to file amended pleadings without leave of Court, which shall be at least 30 days before the deadline for filing dispositive motions		10/5/2011
15	Completion of Claim Construction Discovery	Patent L.R. 4-4	9/2/2011
16	Patentee files opening claim construction brief	Patent L.R. 4-5(a)	9/23/2011
17	Accused infringers file responsive claim construction brief	Patent L.R. 4-5(b)	10/11/2011
18	Patentee files reply brief on claim construction	Patent L.R. 4-5(c)	10/20/2011

STEP	ACTION	RULE	DUE DATE
19	Accused infringers file sur-reply brief on claim construction [ONLY WITH LEAVE OF COURT]		10/28/2011
20	Parties file Joint Claim Construction Chart (at least 10 days before Claim Construction Hearing)	Patent L.R. 4-5(d)	11/3/2011
21	Pre-hearing Conference and technical tutorial if necessary	(Day before claim construction hearing)	11/16/2011 at 2:00pm
22	Claim Construction Hearing	Patent L.R. 4-6	11/17/2011 at 9:00am (90 minutes per side)
23	Court's Claim Construction Ruling	(On or about 3 weeks after #22)	(Subject to the Court's schedule and/or use of a technical advisor)
24	Patentee makes Amended Infringement Contentions	Patent L.R. 3-6(a)	30 days after claim construction ruling or 1/9/2012 whichever is later
25	Accused Infringer makes Amended Invalidity Contentions	Patent L.R. 3-6(b)	14 days after deadline #24 [estimated to be 1/23/2012]
26	Accused Infringer makes disclosure relating to willfulness	Patent L.R. 3-7 (Same as #25)	
27	Deadline for completion of all fact discovery (at least 90 days before the final pre-trial conference)		49 days after deadline #25 [estimated to be 3/12/2012]
28	Deadline for disclosure of expert testimony on issues for which a party bears the burden of proof	FRCP 26(a)(2) L.R. CV-26(b)	21 days after deadline #27 [estimated to be 4/2/2012]
29	Deadline for disclosure of rebuttal expert testimony	FRCP 26(a)(2) L.R. CV-26(b)	28 days after deadline #28 [estimated to be 4/30/2012]
30	Deadline for completion of expert discovery		35 days after deadline #29 [estimated to be 6/31/2012]
31	Deadline for objections to other parties' expert witness		49 days after deadline #29 [estimated to be 6/18/12]
32	Deadline for filing dispositive motions, including motions on invalidity and unenforcability, which shall be at least 60 days before the initial pretrial conference	(Same as #31)	
33	Deadline for filing all <i>Daubert</i> motions	(Same as #31)	
34	Deadline for late mediation at the Parties' request		45 days after deadline #31 [estimated to be 8/2/2012]

STEP	ACTION	RULE	DUE DATE
35	Deadline for parties to make pretrial disclosures	FRCP 26(a)(3)	7/3/2012
36	Patentee to provide to other parties its information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form	(Same as #35)	
37	Defendants and Third-parties to Provide to Patentee their information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form	(Same as #35)	
38	Parties to file Proposed Joint Final Pretrial Order, Proposed Jury Instructions, Joint Verdict Forms and Motions in Limine. Prior to initial pretrial conference, parties shall confer with each other regarding the other party's Motion in Limine, deposition designations, and exhibit and shall submit to the Court in writing any objections they may have to the other parties' Motions in Limine, deposition designations, and exhibits		9/17/2012
39	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits		To be determined
40	Final Pretrial Conference		10/1/2012
41	Jury Selection		10/2/2012

Signed this 8 day of September, 2011.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE